

UPPER MERION TOWNSHIP BOARD OF SUPERVISORS
WORKSHOP MEETING
JULY 31, 2014

The Board of Supervisors of Upper Merion Township met for a Workshop Meeting on Thursday, July 31, 2014, in the Township Building. The meeting was called to order at 6:03 p.m., followed by a pledge of allegiance.

ROLL CALL:

Supervisors present were: Greg Philips, Erika Spott, Greg Waks, Bill Jenaway (arrived 8:06 p.m.) and Carole Kenney. Also present were: David Kraynik, Township Manager; Sally Slook, Assistant Township Manager; Joseph McGrory, Solicitor; Andrew Olen, Solicitor's Office, Rob Loeper, Township Planner; John Waters, Director, Safety and Codes/Chief Fire Marshal and Angela Caramenico, Assistant to the Township Manager.

CHAIRPERSON'S COMMENTS:

Chairperson Waks stated an Executive Session was held prior to this meeting regarding litigation.

DISCUSSIONS:

DISCUSSION OF POSSIBLE REGULATION OF OUTDOOR WOOD FIRED BOILERS (OWB)

Mr. Dave Kraynik, Township Manager, stated the Board of Supervisors is aware of a particular situation that was brought to light by Mr. and Mrs. Rapine and some of their neighbors. This meeting will provide an opportunity for the supervisors to receive feedback from the staff, the Township Solicitor and residents and discuss the feasibility of enacting an ordinance similar to the DEP model ordinance.

Joseph McGrory, Esq., Township Solicitor, made reference to the DEP model ordinance and does not agree that all the provisions are retroactive to existing uses. He explained when a permit has been issued for a land use you cannot retroactively eliminate that land use, although portions of it can be regulated. For example, materials placed into the stove for burning can be regulated (since a land use is not affected), although according to John Waters, Director of Safety and Codes and Fire Marshal, it can become an enforcement issue. Mr. McGrory noted some DEP regulations are enforceable retroactively such as air quality and said the township cannot enforce DEP regulations

regarding air quality; DEP has to enforce.

A discussion followed during which various scenarios and options were discussed as to whether they could be effectively carried out and how the ordinance could be structured.

Joseph Rapine, 540 West Beidler Road, reiterated his concerns over the health issues associated with the OWB in his neighborhood and favors an ordinance adopted by a neighboring township.

Thomas Ryans, 518 W. Beidler, owner of the OWB in question, stated he does not agree there is a problem with his OWB which he uses for hot water and heating his home. Mr. Ryans answered a series of questions regarding his OWB.

Pam Delaney, 506 West Beidler, expressed opposition to the OWB.

Bill Ceilin, a neighbor of the Ryans for 23 years, has not experienced problems with smoke.

Donna Rapine, 540 W. Beidler Road, stated she has had inquiries from people living on Saratoga Road about the odor.

A discussion ensued during which it was suggested to research an air scrubber. Mr. Waters indicated he would look into whether an air scrubber is feasible and then the Solicitor would research to see if it is retroactive.

DISCUSS PROPOSED AMENDMENTS TO TOWNSHIP ORDINANCE RE: DOOR TO DOOR SOLICITATION IN TOWNSHIP

Police Chief Tom Nolan stated resident complaints about solicitations have increased over the years. There have been a number of different problems not only with aggressive solicitors, but some misrepresenting themselves as township employees. In order to address these deceptive practices and close any loopholes, draft changes have been made to the current ordinance regarding peddling, soliciting and hawking.

Chief Nolan indicated the original vendor permit had the township logo which was used by some to misrepresent themselves as township employees. This permit has already been changed to be more generic with a clear label indicating Upper Merion Township does not endorse the vendor or the product they are selling.

Chief Nolan stated the main change to the ordinance came from the residents who suggested a solicitation "opt out option." A placard would be developed with a township logo that could be affixed to a door or near a door

indicating “no soliciting.” If a solicitor would ignore or proceed to obtain the attention of the resident it would be a violation of the proposed ordinance.

The proposed ordinance would also tighten up on the hours of solicitation from 9 a.m. to 8 p.m. In addition, any misrepresentation would be considered a violation. Solicitors would also be prohibited from crossing lawns, walkways, knocking on windows or opening doors or windows. The enforcement clause calls for a \$300 fine and 90-day permit revocation.

A discussion followed regarding exceptions to the proposed ordinance which included girl and boy scouts, religious, political groups, and farmers engaged in selling produce from their own farms, truck or vehicle. Chief Nolan stated the placard would not apply for these groups and only for a solicitor.

During the discussion questions were raised regarding the effect of the draft ordinance on such activities as the farmers market and homeowners associations.

Mr. Waks asked if the proposed placard would be purchased by the resident and or issued by the township. Chief Nolan responded the township would design and issue the placard which would probably be a “self-sticker” and it would have to be determined if there would be a charge.

Mr. Waks asked to have an ordinance prepared and advertised for consideration at the September 18th business meeting.

REVIEW OF PROPOSED DEVELOPMENT PLAN/ZONING REQUEST ON THE SOUTH SIDE OF DEKALB PIKE BETWEEN ROUTE 202 AND FORGE ROAD AND POTENTIAL MOTION TO SEND SOLICITOR TO SUPPORT ZONING APPLICATIONS

Mr. Rob Loeper, Township Planner, stated this application has been submitted to the Zoning Hearing Board and the applicant would like it to come forward as a land development which includes three different parcel sets as follows:

- The first parcel is 611 West DeKalb and 107 Forge (the old McDonald’s and the property next to it) which is just over one acre. The applicant is proposing two buildings totaling 12,500 square feet.
- The second site is the block between Crockett and Shaffer which is four parcels totaling approximately one acre with one building totaling 6,000 square feet.

- The third site is the block behind the Chili's restaurant at Crockett which comprises four properties totaling slightly more than a half an acre where the applicant is proposing two buildings with a total of 4,350 square feet.

Mr. Loeper stated the applicant will go before the Zoning Hearing Board next week and Mr. Hector Vinas and Andrew Gallo met with the public last night.

Andrew Gallo, Esq., stated the applicant has followed up on the comments of the Zoning Hearing Board Solicitor to the extent they could and are appropriate. The applicant's hearing before the Zoning Hearing Board is scheduled for Wednesday, August 6th. He reported on the well-attended two-hour open meeting held last night in the social hall at the fire house. The main issues concerned roads, parking, and safety.

Mr. Waks asked if anything was discussed about housing values. Mr. Gallo responded in the affirmative. He said implicit in the discussion was concern as to whether the development would increase, decrease or have some impact on housing values. There were some people who talked about the township's perspective on rezoning along that area and elsewhere in the township and wanting to be sure the rezoning takes into consideration their properties and their property values.

Mrs. Spott asked if there is any specific information about the type of redevelopment proposed. Mr. Gallo noted there are currently no signed leases for any of the sites since they do not want to sign a lease until they know the permits and approvals have been granted. Utilizing the aerial, Mr. Gallo pointed out the location in which Starbucks has an interest, a proposed mattress showroom, and a cell phone store.

Mr. Gallo stated one of the issues a few homeowners raised in a side conversation at the meeting yesterday was they wanted to make sure there was no parking on the side streets in front of their homes.

Mrs. Kenney asked if there is any proposed change in the amount of impervious, and she was informed there is a reduction in impervious surface. There is approximately 6,500 square feet of green space currently and the proposed condition is about 8,100 square feet of green space.

Mr. Waks asked if any of the Valley Forge homes are currently experiencing any stormwater issues. Mr. Loeper responded years ago there was more of a problem with the properties along US 202 than the properties behind them.

An unidentified member of the audience indicated there was an issue after the new homes were developed behind Gino's with water flowing right into their house.

Mr. Waks pointed out the reason the question is asked about impervious is because stormwater is a major issue in the township.

Mr. Gallo discussed the site at Forge and US 202 (formerly Gino's and McDonald's). He noted this is a more complicated site because 107 Forge is a residential district whereas the rest of the site is CO. The proposal calls for a two-story financial services office and a single story restaurant (not a drive thru and not fast food). Mr. Waks asked if this is something that already exists in the township. Mr. Gallo responded in the negative. He indicated it is called Piada and to the best of his knowledge is not in eastern Pennsylvania at all. This would be their first facility here.

Mr. Gallo indicated one of the residents requested to have the plans available on the website, and he was informed by Mr. Loeper that once the application is filed with the township for plan review they are then placed on the website. Mr. Loeper stated if the files are not too large he could also email to residents upon request.

Mr. Philips asked if the applicant had a fallback position if the Zoning Hearing Board does not grant relief. Mr. Gallo responded when he first made a presentation before the Board of Supervisors he requested consideration be given to a more general rezoning of the area. Mr. Loeper indicated he will draft an outline of a presentation to the supervisors in September. Mr. McGrory pointed out one of the issues is the expiration of dates on some of the agreements and it would not be possible to get a rezoning by the time the four agreements expire.

Mrs. Kenney commented she shares concerns about traffic and safety. She asked the applicant to incorporate safeguards in their designs for all these parcels for parking, ingress and egress. Mr. Vinas stated his engineers closed off most of the driveways along US 202. Mrs. Kenney asked if the sidestreets would be impacted as a result. Mr. Vinas commented they have discussed speed humps and signs indicating "local traffic only."

Mr. Donato, resident, indicated an evaluation of the ingress and egress of Crockett and Shaffer Road is needed.

Mr. Waks stated the township has been aggressive in installing speed humps. Mr. Donato said a traffic study was done in 2011 on Crockett Road, but speed humps were never installed. Mr. Waks commented speed humps are definitely a disincentive to cut through residential neighborhoods.

Patti Donoto expressed concern about the trash and vermin associated with eating establishments in the area.

Mrs. Spott asked if there is someone in the township who could look into the pest problem. Mr. Waks asked Ms. Donoto if this was ever reported to the health department. Mrs. Donoto responded in the negative. Mr. Waks indicated township staff would make a phone call.

Mr. Waks asked if there should be a motion to send the Solicitor in support of the Zoning application.

Mr. Waks asked for a commitment that the applicant will continue to work with the residents. Mr. Gallo responded in the affirmative.

Mr. Mark McKee commented the benefit of the plan is the reduction of the curb cuts along US 202, the safety issues and getting decent sidewalks. The concern is that the township may or may not be able to make those streets all one way. If the applicant can work with their tenants to make sure there is no right turn into the neighborhood from the commercial properties it would be a big plus. Mr. McKee said one thing that might go a long way with the Zoning Hearing Board is if the applicant would be willing to offer as a condition of the relief some increased buffering beyond what the code otherwise requires for the benefit of the adjacent neighborhood.

Mr. McGrory stated that is a valid point. He asked the applicant if he would be amenable to a condition as part of the zoning relief to satisfy the Township Planner with increased buffering along the property line. Mr. Gallo responded in the affirmative.

Mr. Waks asked for a motion to send the Solicitor in support of the zoning applications.

Board Comment:

Mrs. Kenney asked for a clarification on the motion. Mr. McGrory responded the Zoning Hearing Board has to present the case to satisfy the law. The Solicitor would be there to voice the concern of the Board of Supervisors that this is an opportunity for a unified development that will eliminate curb cuts, increase safety and provide a continuous sidewalk. If the Zoning Hearing Board were to leave it in the hands of the Board of Supervisors for rezoning certain agreements would expire and the previously mentioned opportunity that benefits the township would be lost.

Board Action:

It was moved by Mr. Philips, seconded by Mrs. Spott, all voting "Aye" to send Solicitor in support of the following zoning applications for : 705-715 W. DeKalb Pike, 2014-16, 727-731 W. DeKalb Pike & 113 Crockett Road, and 2014-17: 611 W. DeKalb Pike & 107 Forge Road. None opposed. Motion approved 4 -0.

FURTHER DISCUSSION OF A LAND DEVELOPMENT WAIVER REGARDING AN ENCLOSED ENTRANCE TO BUILDINGS A, B & C AT THE MARQUIS APARTMENTS

Amee S. Farrell, Esq., Kaplin Stewart, attorney for the applicant for the former Marquis Apartments, now known as Candlebrook property at 251 DeKalb Pike project, referenced the information packet she provided. She pointed out the completed lobby at the D/E buildings and the connection between the A, B & C buildings which will provide a connection with a lobby space that can be accessed through a single entry point.

Ms. Farrell stated the 26-acre site has a footprint in the 4,000 square foot range. For this reason the land development waiver is requested since this represents a portion of development on a very large site.

At the last meeting with the applicant, Ms. Farrell indicated the supervisors requested the applicant to take this matter to the planning commission for comment and also address certain questions raised by Mr. Jenaway regarding fire access to the rear since the current access to Building A would be blocked from the main roadway.

Ms. Farrell noted at the time of the last meeting with the supervisors the Township Engineer had already provided a review and supported the waiver requests. The applicant has since been to planning commission with positive results in that they were pleased with the overall layout, design and internal connections. Mr. Jenaway has been out to the site to look at the fire connection issue and as a result an area has been identified to provide a pervious paver access road around the rear of Building C to the existing fire connections. The other option is to relocate the fire connections and the applicant is continuing to work with both Mr. Jenaway and Mr. Waters to see which is the best solution. One way or another there will be direct access for fire apparatus either through the access way or through relocation of those units.

Ms. Farrell highlighted other features of the land development that have been redone since the last meeting. She also noted there is no real increase in impervious, and a rain garden will be installed.

Mr. Philips asked if Mr. Jenaway has seen the proposed fire access, and Ms. Farrell responded in the affirmative. She said her understanding was the concern for access to get in [Building A] but more importantly once they got back there to have access to the fire connection at Building C.

Mr. Philips said his recollection of the discussion had nothing to do with Building C. It had to do with Building A. Ms. Farrell indicated that was correct. Mr. Philips commented truncating the paving 50% would not be enough. Ms. Farrell responded when they walked this area they realized where the physical connection was at C, and it was determined that was as far as it needed to go. They did not need the physical access to A as originally discussed.

Ms. Farrell said Mr. Waters had some discussions about the access point and fire apparatus and asked if he had some more information on where that line is being drawn.

Utilizing the aerial, Mr. Waters pointed out the locations and the route taken to two fire department connections in the original design when the Marquis was built as the Valley View Apartments. There was a concrete pad in one location that the apparatus could sit on so they could pump into the fire department connection and not sink into the mud. The roadway also came back to another spot to grab the fire department connection. They were originally designed so that the firefighters could pump into the standpipe system to fight the fire from inside. Mr. Waters pointed out the two new locations.

Mrs. Kenney said she thought the access discussion referred to access with a ladder truck for the high-rise apartment. Mr. Waters provided some of the history at this site regarding firefighter access and explained when the Valley View Apartments were originally designed the roadway provided the engine access to fire department connections, not a ladder truck.

Ms. Farrell stated her understanding is based on Mr. Jenaway's site visit and his subsequent representations to the Planning Commission last week. She said the original understanding was a misunderstanding that a ladder truck could have originally reached and once they got out there they realized it was always the connection. Being able to physically connect those two points was key and as long as they could do that they are comfortable that the building is in better condition now than it has been for the last 25 years.

Mr. Waks asked for Mr. McKee's input from the last planning commission meeting regarding 251 DeKalb. Mr. McKee responded there was a discussion about the access to Building A which was originally designed for a fire truck to

pull up front. The other issue that was raised is because it is a high rise that predates the sprinkler ordinance the standpipes are important. Also to be considered are power outages that occur. There is also proposed one access to three buildings and if there is a heart attack on the upper floors and the power is out the question is how to transport a gurney up and down the fire escape. The suggestion was made that the applicant consider some kind of backup generators to make sure the elevators could run in a power outage at least in those situations where evacuation might be necessary for carbon monoxide or other emergencies. Mr. McKee said those were the two issues. Getting the fire trucks around Building C to the back areas so you could access Building A and C and the need to have working elevators for some emergency backup.

Mr. Waks asked for the applicant's view. Ms. Farrell indicated she was not at the planning commission meeting last week and does not know the level of generator that is required for these buildings. An unidentified individual with Ms. Farrell responded Mr. McKee provided a correct representation and the architect will assess the request, but a determination has not been made on a generator at this point.

Mr. Jenaway arrived at this point in the meeting and joined in the discussion. He indicated the real issue became the accessibility to the fire department connection to the rear of C building. Another question arose if the entrance points into B and C buildings are closed how it affects the exit way capacity and the ability to move people out of those buildings. Mr. Jenaway said Mr. Kaplan mentioned at the planning commission meeting last week that a road would be built to the rear of C building if indeed that standpipe connection stayed there in order to provide access for the fire department.

Mr. Jenaway said some testing was done with the ladder truck to see what the new entry ways would do as far as any potential restriction for access. They have to do some jockeying around with the ladder truck at the base of the roadway down by the Double Tree entrance because when they took the truck in and tried to do the normal turn they had to back up so there will be an educational process.

Ms. Farrell asked if it is a width issue not a height issue. Mr. Jenaway responded in the affirmative and said it was a swing issue on a truck that has a basket in front.

Mr. Waters asked if this refers to the two arches as opposed to something on the building farther down from the driveway. Mr. Jenaway responded in the affirmative.

Mr. Jenaway said while on site they noticed a trench being dug from Building A to Building C and had a question about what that was. Mr. Waters said he has not been up there in the last week but would check it out.

Mr. Jenaway asked if the police department has been involved in any discussions particularly with regard to accessibility and the type of system to allow them to get into that site for either emergency or non-emergency calls.

Mr. Waters said consideration is being given to installing a Tomar system on the gates with the emitters so the gates will open automatically. The other consideration is for access to the buildings and the security system itself. An email went out last night to all emergency services giving them the new access number so they can access the inside of the building.

Phil Rapine, Beidler Road, asked for clarification about the use of ladder trucks for high rise buildings in the township, and additional information was provided to him by Mr. Jenaway and Mr. Waters.

Mr. Waks asked for a consensus from the supervisors about scheduling this matter, and it was agreed to place it on the agenda for August 7th.

Mr. McGrory indicated he would draft the appropriate resolution.

Mrs. Spott asked for clarification if there were only two waivers. Mr. McGrory responded there is a waiver of the entire process for land development and a waiver for stormwater.

Mrs. Kenney asked for clarification about the reference to the site falling within sinkhole Zone 1. Mr. Loeper explained the underlying geology in that area is prone to sinkholes. The applicant's engineer commented relative to the safeguards for the rain garden is that facility is lined per the township requirements.

EAC TRASH COLLECTION SURVEY

Mr. Chris Kaasmann, Chair, EAC, provided the history, timeline and results of the EAC trash collection survey. There were 528 responses to the survey which were obtained in a variety of different ways. The majority of respondents when online (374), *Township Lines* (134) and physical copies (20) and there were 274 individual comments.

Mr. Kaasmann reviewed all the survey questions and results. Highlights of comments offered during this meeting:

- Mr. McKee: people are concerned if they see trucks leaking oil, going too fast or riding up on the curb, but from a financial standpoint he does not believe there is an understanding by the public at large of the impact one truck has, particularly the trash trucks on our local roads. Mr. McKee indicated the ITE manual indicates 1 large loaded truck tears up the road equivalent to 1,000 cars. He said if they had that understanding and the

burden of replacing local roads is going to fall on the township and the taxpayer that might be a different answer.

- Mr. Philips: a data point does not exist indicating because these trash trucks are on the roads it has cost the taxpayers of Upper Merion “xyz” amount of money.
- Mr. Waks: there is no doubt that one trash truck is going to cause significantly more damage than x number of vehicles, but it cannot be quantified. He said it makes sense if fewer trash trucks are on the road, less will be spent on road maintenance and agreed with Mr. Philips that it cannot be quantified.

Mr. Kaasmann read some of the notable “con” comments from survey respondents. He noted there was some confusion as some people thought the township was surveying about the township actually purchasing trucks and hiring people to implement a municipal collection system.

Mr. Kaasmann summarized that respondents for the most part do not care about the frequency or quantity of containers on the street. They are happy with the service and do not care about much else except for the cost.

Mr. Kaasmann stated if the service can be kept the same and cost reduced it is the recommendation of the EAC that the Board of Supervisors go out and bid for this type of service. As a board member with the Professional Recyclers of Pennsylvania (PROP), he believes moving to a single hauler or one company in a densely populated area is the commonly accepted best practice.

Mr. Waks expressed appreciation to the entire EAC for all their hard work. He emphasized it is important that the township’s citizen boards have the freedom to explore issues they are passionate about and that is what constitutes effective citizen boards.

Mr. Philips commented he was surprised by the resident responses on this matter.

Mrs. Kenney asked if the Board of Supervisors proceeds with a bid, the varying needs of the residents should be included for such things as the needs of senior citizens and a senior citizen discount.

Mr. Kaasmann stated waste collection is not a one-size fits all and he does not know what it would cost to go out to a bid.

Mrs. Spott said it [bid spec preparation] does not obligate us to go that route; it just means a lot of work.

Mr. Philips was concerned about putting out a bid and then rejecting all bids without a good reason.

A discussion followed about the bidding process, how a bid could be structured, and the time commitment associated with this process.

Mr. Kaasmann commented a lot of work has already gone into this and he understands it would be more work.

Mr. Waks asked about the administrative burden in going out to bid. Mr. Kraynik responded it is going to mean a lot of man hours. A bid has to be drawn up as tight as possible. If the Solicitor is comfortable with it from a legal challenge standpoint it would be circulated to the EAC and supervisors for comment and in about two to four months there could be a bid.

Mr. Waks asked if grant funds are available for an outside party to draw up the bid. Mr. Kaasmann responded he is not sure, but there may be technical assistance funds through the DEP, but he is not sure if it specifically applies to writing a bid. Mr. Kraynik commented it is normally for studies.

Mr. Kraynik stated if this is something the Board wants to do he would prefer that it be done in-house by the staff and the Solicitor. Studies have been done and there is a staff member assigned as liaison to the EAC.

Mr. McGrory pointed out what cannot be measured is the legal work involved after the bid is awarded and there are associated costs that cannot be predicted.

Mr. Jenaway asked the Solicitor what kind of performance enforcement issues he has seen with other scenarios. Mr. McGrory responded there are established performance criteria and it is almost impossible to enforce because to a large degree it has to be subjective. It is almost impossible to establish enough criteria to bid spec to make sure haulers are performing.

Mr. Jenaway stated the purpose of his question is if one of the clearer objectives of the public is to improve performance how that could be guaranteed. Mr. Kaasmann responded currently there is a recycling coordinator in the township. It is his job to make sure that all the hauling companies are operating according to the township ordinance. He believes it is more work to keep track of all the companies than it would be to keep track of one company with an established contact person. Mr. Kraynik stated he agrees, but the problem is if there is a contract with one hauler and the performance is bad then you are stuck with that hauler until the contract expires. With five haulers when a property owner is not happy with the service they can always change.

Mr. Philips commented on what he has observed from a civil engineer standpoint contracting with the government. He said there are contractors who fail to perform yet are always low bidder and it becomes very difficult to exclude them from the next bid. Mr. McGrory agreed that is a major issue.

Mrs. Spott commented Mr. Jenaway has a homeowners association that does exactly what is being proposed on a smaller basis. Mr. Jenaway said every five years the HOA bids it out and they always take the low bid. The HOA has some members who do contract work for a living and they draft the parameters of the contract. The contract is negotiated and it enables them to keep the price down; and they have changed haulers three times in 24 years.

A discussion followed about price and negotiation.

Joe Rapine, Beidler Road, commented pricing is a major concern for everyone.

Chris Loschiavo, 532 Charles Drive, stated he heads up the trash and recycling division in Plymouth Township where they have their own trucks and collection and are able to tailor the service to fit the needs of the community. As a resident, he expressed concern over seeing multiple vehicles coming down the street and also the resultant deteriorating road structure. He favors municipal collection; however, his second choice would be for doing a Request for Proposal (RFP).

Mr. McGrory said he can structure an RFP for anything the Board wants to do. Most townships entertaining this concept are going single hauler. They are not going municipal and they are not going multiple haulers.

Mr. Waks asked if a contract for one or two years is possible. Mr. McGrory responded in order to get a good price it would be advisable to have at least three years.

Another question arose as to how HOA's would be handled in the RFP. It was also noted the RFP would not apply to commercial and for that reason there would still be multiple trash trucks.

Mr. Kraynik said the biggest challenge in a bid spec is identifying how many stops the bidder is bidding on, the geography and what streets.

Mr. Waks asked for the views of the supervisors. Mr. Philips would prefer not going into this any further. Mrs. Spott said as much as she personally believes it is the best practice and with a lot of education and effort a good case can be made, she would have preferred to see a lot more enthusiasm from the residents. Mr. Jenaway said he would see no problem at some point in time having three haulers.

Mr. Waks asked the Solicitor if that is feasible. Mr. McGrory responded he believes under the law that can be done, but he would have to find out who has actually done that.

Mr. Ross Weiss stated 27 years ago he was Upper Merion's Solicitor for the Waste Authority and this same debate took place 27 years ago.

Mr. Jenaway said while he believes there would be an opportunity at a point in time when two or three haulers could be considered, there is no real interest for change at the present time.

Mrs. Kenney commented 77% said they were satisfied overall with their service, but 67% said they would like a change if the cost was lower. Mrs. Kenney indicated her support for single hauler.

The discussion continued regarding single and municipal hauler.

Mr. Waks stated he has no doubt there are environmental benefits by having fewer trash trucks on the road. He would like to hear from other municipalities that have had success in the area of single hauler. Mr. Waks noted despite the enormous amount of public information provided by the EAC there is room for more education based on some of the answers in the survey, and he does not want to terminate the effort. He asked that this matter be sent back to the EAC for more time to come up with success stories from single haulers. Mr. Waks suggested there might be something creative that might be done in line with Mr. Jenaway's comment about having three haulers. Mr. McGrory said he would research that to make sure it is a viable option.

Mr. Kaasmann said his argument would be if three haulers would be mandated, why not mandate one and get a better price. Mr. Jenaway said the idea behind three which still supports the idea of competition is that it might help manage the cost and performance issue and would be better managed if there were three because one would not want to be the first one out.

Mr. Kaasmann commented he does not think haulers would favor three haulers. Mr. Philips said he thinks they would because there are five or six haulers in this community a day competing head to head. Mr. Jenaway pointed out overhead costs have to go down.

Mr. Philips said he is okay with sending this back to the EAC to start the continued education process, but he does not believe the community is ready for single hauler.

Mr. Waks stated anything that goes on in the township is about shaping public opinion.

MONTGOMERY COUNTY REQUEST FOR RADIO TOWERS

John Corcoran, Deputy Public Safety, Montgomery County, discussed the plan for the \$29.9 million emergency radio system upgrade which will improve the safety of residents and the police, fire, and EMS who serve them. Part of the project involves ten new antenna sites that will improve the radio coverage and signal strength in the County.

Utilizing the aerial, Mr. Corcoran pointed out the locations of the existing and proposed towers on the map. He also noted the areas without sufficient coverage. The state game land to the west will not be improved at all. The expense of bringing it to 95% reliability is not being incurred since this is an area without buildings.

Mr. Corcoran called attention to the Trout Run sewage treatment plant where a 180 foot tower is proposed in front of the salt shed. He said a meeting has already been held with the Upper Merion Municipal Utility Authority (UMMUA), residents of the Valley Forge Towers, and individual residents. In addition, a meeting is scheduled with the Hughes Road Town Watch Association on August 6th at 7 p.m. (70 residents have been invited to attend).

Mr. Corcoran provided an example of what a typical tower site looks like. It involves the tower and equipment shelter which would be about 17 x 13 feet on a 40 x 30 foot site surrounded by chain link fence.

Mr. Waks referred to a comment he made at the meeting with the Valley Forge Tower residents whether it is feasible having the tower farther away from the residents on Mancill Mill Road. Mike Stokes, Assistant Director, Montgomery County Planning Commission responded he will bike up and check the other site (referred to by Mr. Waks) for such things as access. Mr. Stokes noted the other site presented to UMMUA was near the clarifiers within the treatment plant operation and they did not believe that was a viable site. He said the current site proposed was chosen from an operational standpoint with good access from the corner and it is already fenced.

An unidentified member of the public asked if this tower is strictly for Montgomery County. Mr. Corcoran responded the proposal is to build the tower and the UMMUA would then zone the tower and it would be up to UMMUA.

A discussion followed about the possibility of additional cell carriers to generate revenue.

Mr. Richard Lohwasser, Assistant Director, Technical Service, Department of Public Safety, stated UMMUA's request was to build the tower to support only two additional vendors. What that would do is limit the tower capacity to be built to only hold a certain amount of antennas.

Mr. Kraynik stated the County is asking this township to provide a location for no rent and there should be at least some further discussion regarding this and a menu of other items.

Mr. McKee asked if it is correct that the Trout Run tower would be 180 feet. Mr. Corcoran responded in the affirmative.

Mr. McKee said it is a relatively low lying area. He indicated there is an existing state owned tower on Hughes Road that the Police Department used. Police Chief Nolan stated the Police Department used to use that tower, but not currently because of height restrictions. They now use the [former] Marquis Apartments.

Mr. McKee asked if the proposed tower would be in addition to the state tower on Hughes Road. Mr. Corcoran responded it would replace it and make it higher.

Mr. McKee said you can see the tower [on Hughes Road] now sometimes during the year coming up Henderson Road and to go from 90 to 180 feet it will definitely be seen. He suggested mentioning this to the residents when the township meeting is held with the residents.

Mr. Jenaway asked Chief Nolan if the proposed tower would eliminate the need for the Marquis tower. Chief Nolan responded it would be used as a backup system, but does not know if the county would still use it. Mr. Corcoran responded the county would abandon the Marquis site.

A discussion followed about the additional colocation possibilities for the state. It was noted that the state owns the property and the county will own the equipment. The State Police use the tower for state police communications along the major highways in the area.

Mr. McKee asked how often the pads receive maintenance. Mr. Corcoran responded the maintenance cycle averages once every three to four weeks. Mr. McKee asked if a bucket truck is needed. Mr. Corcoran responded it is just a four-band single technician who goes in the shelter, works on the equipment, and then leaves.

Mr. McKee asked if it would make a difference if the tower were 130 feet instead of 180 feet. Mr. Lohwasser responded their vendor would have to run maps at different heights to see how much coverage would be lost. Mr. McKee

asked if they just assumed 180 feet. Mr. Corcoran responded in the negative and said they wanted to get as much coverage as they could and noted 180 feet at that location would not require lighting and there would not be blinking or flashing from the tower.

JOHN MIDDLETON; 418 W. CHURCH ROAD; 2,496 SF FLAVORING STORAGE BUILDING & 2,400 SF WASTEWATER TREATMENT BUILDING; 7.4 ACRES; LI LIMITED INDUSTRIAL/R-2 RESIDENTIAL

Ross Weiss, Esq., stated the subject property is a 7.5 acre site which is an existing tobacco manufacturing plant with 95,000 square feet of building coverage. A waiver of land development is requested for a wastewater treatment building and a flavoring storage building that would be added to the facility. The proposed wastewater treatment building is located on an area now occupied by tanks that treat the wastewater. The building is being proposed to increase and improve the wastewater treatment which will also result in less trucks coming to the property on a daily basis. This has already been communicated with the sewer authority. The second building is for a flavor storage building.

As a result of a meeting with planning staff, the plan has been revised to add landscaping. At the request of the Township Engineer a rain garden will be installed and as a result the impervious coverage resulting from these two additional buildings will be less than the current condition.

Mr. Weiss indicated the Township Engineer has issued a review of the plan, and the applicant has agreed to comply with all of the items in the review letter.

The application for the waiver of land development includes 4 waivers from the actual land development. Although the applicant is requesting a waiver of the land development process, the applicant will still submit a land development plan as is customary. Waivers are requested for stormwater management since there is no increase in impervious coverage. Since this is an existing facility, the applicant is requesting they not be required to satisfy any additional landscaping although a rain garden will be installed as well as landscaping adjacent to the new water treatment building. Both of these structures would be on existing pads approximately 2,100-2,200 square feet. There is also a request for a waiver from open space requirements and the requirement for a traffic study since there will not be an increase in the number of employees and no change in the operation of the facility.

The applicant appeared before the Planning Commission last week and received a unanimous recommendation in favor of the waiver of land development.

Mr. Weiss noted a draft of the Township Engineer's review letter was received at 5 p.m. today indicating support of all waiver requests. Comments in

the review letter include a note to comply with PennDOT's standards for paving and a note that the basin liner comply with standards.

Mr. Waks asked about the nearest residences to 418 W. Church Road. Mr. Weiss responded there are six residences in the front and the applicant owns four. There is another industrial facility, a cemetery, and railroad tracks in the back.

Mr. Waks asked if there has been any communication with the two residential owners. Paula Childers, applicant's engineer, responded they have not directly communicated at this point. Mr. Waks stated it would be helpful if the applicant would reach out to them. Ms. Childers responded the applicant would discuss with the residents.

Mrs. Spott asked if the proposed improvements would involve noise, odor or anything else that would affect the residents. Mr. Weiss responded the building in the back is for storage and the wastewater plant will be in an enclosure as opposed to the current condition with exposed tanks. Ms. Childers said the equipment would be an improvement in that it will be insulated inside and better than the current condition.

Mr. McGrory asked if it is a pre-treatment facility. Ms. Childers responded in the affirmative.

Mrs. Kenney asked about the current wastewater procedure. Ms. Childers responded currently they are hauling off site.

Mr. Jenaway noted he was in attendance at the Planning Commission meeting when the applicant presented their plan.

Mr. Philips recused himself from the discussion since he is a shareholder.

Mr. McKee asked the applicant how many trucks per day or week are required to haul out existing water in the residential area of Church Road. Ms. Childers responded in May there was a total of 68 trucks used for that purpose. This treatment plant will allow the pre-treated water to drain into the sewer system thereby taking many trucks off Church Road. The rain garden will clean up any oil pollution that is running off the parking lot.

Mr. Waks stated the Board of Supervisors asks as a good practice that all redevelopment anywhere in the township be a good neighbor and communicate with nearby residents as a standard. Mr. Weiss stated the applicant agrees to that condition.

Mr. Jenaway asked about the timetable for development. Ms. Childers responded once ground is broken both of the buildings can be constructed in 4-6

months. It will depend on the lead times on some of the equipment being purchased. The applicant would like to get the civil work done before winter.

Mrs. Kenney asked about the height of the new building. Ms. Childers responded the peak on both new buildings would be 20 feet.

Mr. Waks stated this matter would be placed on the agenda for consideration at the August 7th business meeting.

CHAIRPERSON'S COMMENTS:

Chairman Waks stated an executive session will be held after this meeting to discuss a personnel matter.

ADJOURNMENT:

It was moved by Mr. Philips, seconded by Mr. Jenaway, all voting "Aye" to adjourn the workshop meeting at 10:22 p.m. None opposed. Motion approved 5-0.

DAVID G. KRAYNIK
SECRETARY-TREASURER/
TOWNSHIP MANAGER

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Minutes Approved:
Minutes Entered: